

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN)
INSURANCE COMPANY,)

Plaintiff,)

vs.)

CIVIL ACTION NUMBER:2:06cv717-1D

CAROL THORN; JOLEEN LEEA)

COLON; DALE EUGENE)

KIRKINDOLL; ELIZABETH S.)

KIRKINDOLL; THOMAS HOLT)

KIRKINDOLL; JAMES W. GRIFFIN)

SANDRA L. GRIFFIN; PATRICK A.)

BELT; CHRISTOPHER B. BELT;)

GENE STEGMAIER; ESTATE OF)

WILLIAM R. KLAUSS, a deceased)

minor; ESTATE OF CHERETY THORN)

a deceased minor; LV STABLER)

MEMORIAL HOSPITAL; BRPT LAKE)

REHABILITATION CENTER; BUTLER)

COUNTY EMERGENCY MEDICAL)

SERVICES;)

Defendants.)

Motion to Dismiss Interpleader Defendants

Comes now the plaintiff, Progressive American Insurance Company (“Progressive”), and requests the clerk of court to dismiss defendants State Farm Health Insurance, GEMS, Inc., and Baton Rouge Orthopaedic Clinic from this interpleader action. In support of the motion, Progressive shows unto the court as follows:

1. State Farm Health Insurance, GEMS, Inc., and Baton Rouge Orthopaedic Clinic were added as defendants in this action because they may have provided medical treatment or benefits to individuals involved in the accident that made the basis of this lawsuit.

2. State Farm Health Insurance, GEMS, Inc., and Baton Rouge Orthopaedic Clinic have been served with the interpleader complaint. They have all confirmed that they are not seeking any recovery for medical treatment or benefits provided to the individuals involved in this accident.

/s/ R. Larry Bradford
R. Larry Bradford, Attorney for
Progressive American Insurance Company
Attorney Bar Code: BRA039

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this the 11th day of September, 2007, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

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